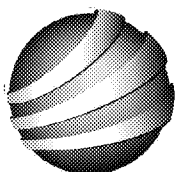


In the Matter Of:

PROPOSED RULEMAKING TO AMEND PARTS 701 & 703 OF 6NYCRR

HEARING

March 09, 2015



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HEARING
PROPOSED RULEMAKING TO AMEND PARTS 701 & 703 OF 6NYCRR

March 09, 2015
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<p>Page 1</p> <p>1 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ----- 2 3 LEGISLATIVE COMMENT HEARING ON THE PROPOSED RULEMAKING TO AMEND PARTS 701 AND 703 OF 6NYCRR 4 5 ----- 6 7 HEARING held at the offices of the ENVIRONMENTAL 8 PROTECTION AGENCY, 290 Broadway, 23rd Floor, New York, 9 New York, on Monday, March 9, 2015, at 12:00 p.m., 10 before Jeffrey Shapiro, a Shorthand Reporter and notary 11 public, within and for the State of New York. 12 13 14 B E F O R E : MOLLY T. MCBRIDE, Administrative Law Judge 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 2 P R O C E E D I N G S 3 MS. McBRIDE: Good afternoon, everyone. My 4 name is Molly McBride, I'm an administrative law judge 5 with the New York City Department of Environmental 6 Conservation, and presiding over this afternoon's 7 legislative comment session. 8 The purpose of this session is to receive 9 comments from the public regarding the proposed 10 rulemaking to amend Parts 701 and 703 of Title 6 of the 11 official Compilation of Codes, Rules and Regulations of 12 the State of New York. 13 The purpose of this rulemaking is to change 14 the right to require the quality of Class 1 and Class SD 15 bathing surface waters to be suitable for primary 16 contact recreation such as swimming; the rulemaking is 17 necessary to meet the swimmable goal of the Federal 18 Clean Water Act. 19 Notice of this hearing was published in 20 various newspapers that are in the New York City area, 21 serving this area, as well as the electronic 22 publication, the Environmental Notice Bulletin, and in 23 the State Register. 24 As I said, the purpose of this session is to 25 receive comments. This is not a question and answer</p>
<p>Page 2</p> <p>1 A P P E A R A N C E S : 2 3 Scott J. Stoner, MS 4 Chief Standards and Analytical Support Section, DEC 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 4</p> <p>1 DEC Public Hearing 2 session. If you do have any questions for DEC staff you 3 may raise them outside this hearing here today. 4 In order to make a comment on the record we 5 will need you to fill out a speaker card. Cards are 6 available at the table outside of the room. If you 7 would like to make a comment, please make sure you fill 8 out that speaker card for us. 9 Public comments will be accepted until March 10 16. So comments must be received by the Department by 11 March 16, 2015 at 5:00 p.m. Out in the hallway at the 12 table there we have both the e-mail address and the 13 mailing address for where you will send those comments 14 if you need it. You may also submit a written comment 15 this afternoon and leave it with our staff. 16 Before we see if anyone here would like to 17 make a comment, I want to introduce Scott Stoner from 18 our Division of Water for a few comments. 19 MR. STONER: Thank you, Judge. 20 Good afternoon everyone. I'm Scott Stoner, 21 Chief of the Standards and Analytical Support Section in 22 the Division of Water in the New York State Department 23 of Environmental Conservation. 24 I have a short explanatory statement about 25 the proposed rulemaking that is the subject of today's</p>

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2 public hearing.
3 To protect water quality, the waters of New
4 York State are grouped into classes with uses designated
5 for each class, along with standards to protect their
6 uses. There are five classes of saline waters defined
7 in Title 6 of the New York Codes, Rules and Regulations,
8 abbreviated 6 NYCRR, Part 701. These classes are SA,
9 SB, SC, Roman Numeral I and SD.
10 The federal Clean Water Act requires that,
11 where attainable, the quality of all waters "provides
12 for recreation in and on the water." This is commonly
13 referred to as the "swimmable" goal of the Clean Water
14 Act and was to have been achieved by 1983.
15 Of the five classes of saline waters in New
16 York State, only three of the classes SA, SB, and SC,
17 are designated for primary contact recreation, which
18 includes swimming. Class 1 and Class SD waters are not
19 currently designated for primary contact recreation, and
20 thus do not meet the swimmable goal of the federal Clean
21 Water Act. The majority of Class 1 and Class SD waters
22 are located in New York City, with a few waters located
23 in Suffolk County.
24 The purpose of this rule is to ensure that
25 the Class 1 and Class SD waters meet the swimmable goal

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2 of the federal Clean Water Act.
3 The proposed rule would accomplish this by
4 requiring, in 6 NYCRR Part 701, that the water quality
5 for Class 1 and Class SD waters be suitable for primary
6 contact recreation, and in 6 NYCRR Part 703, by adopting
7 corresponding standards for total and fecal coliforms to
8 protect the quality of Class 1 and Class SD waters for
9 this use.
10 Thank you.
11 MS. McBRIDE: Thank you, Mr. Stoner.
12 At this time we have not yet received any
13 speaker cards. What I will do is keep the record open
14 for a few more minutes in case anyone is delayed getting
15 here, and then we'll close the record after that.
16 We have a speaker card for Rob Buchanan.
17 You may come forward and make your comment here.
18 MR. BUCHANAN: My name is Rob Buchanan. I'm
19 co-chair of the New York-New Jersey Harbor Program
20 Citizens Advisory Committee. I'm not here to offer
21 testimony from that group. We have many comments and we
22 will be presenting comments. A colleague of mine of
23 that group will be presenting comments later if she can
24 get in the door.
25 I'm here representing another group of the

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2 New York City Water Trail Association, and I have
3 written comments which I will present to you by e-mail,
4 the easiest way.
5 But I wanted to make three points in that
6 group's testimony.
7 And the first point is that, if you're going
8 to call something swimmable, that changes the game for a
9 lot of people. Our group does a survey of harbor
10 boaters every year. The last year we did it, in 2013,
11 we counted more than 60,000 individuals who were put on
12 the water by organized community boating groups. That
13 doesn't count individuals who launch themselves.
14 This is a really big number. Every year
15 that we've done this survey that number has grown.
16 We've got waterfront development and access points
17 expanding. That number is going to get big. If you
18 call water swimmable people are going to expect it to be
19 swimmable, and they'll want to know.
20 So, the first point is, how are you
21 measuring that? I don't think the harbor survey, which
22 is a great thing, and I don't mean to discredit the DEP
23 in any way, but it's not an accurate reflection of
24 harbor water quality recreation users.
25 I think you're going to have to expand your

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2 data points. As a model I brought this.
3 (Indicating poster board.)
4 This is a citizens program that we run
5 called Citizens Water. We do quality tests, and if you
6 look, we test at launch sites, a lot of them, more than
7 30. We test weekly, that's what the DEP does too.
8 Their test sites in the East River, if you look at
9 those, they've only got two in the middle stretch of
10 the East River. They've got 23rd Street and they test
11 at Hell Gate, and that's it. Two points, mid current,
12 mid channel, the results are different.
13 So, if you are really going to look at
14 water, look at where people are going to use the water,
15 because those numbers are going to be a lot tougher, and
16 I think you have to include them. So that's my first
17 point.
18 The second point is, monitoring and
19 notification, it's almost impossible for the public to
20 understand the public agencies' monitoring efforts, and
21 their notification efforts are also difficult, they are
22 not really user friendly. If we go to swimmable water
23 designation, high expectations, that has to be reflected
24 in better monitoring and more interpretable results. If
25 you look at the DEP's result pages on their website,

<p style="text-align: right;">Page 9</p> <p>1 DEC Public Hearing</p> <p>2 they are great, the data is great, but a member of the</p> <p>3 public can't make heads or tails of it, they really</p> <p>4 cannot.</p> <p>5 I want to show you one more -- an example, I</p> <p>6 mentioned East 23rd Street as one of their sites. If</p> <p>7 you look at their results for 2014, during the 20 weeks</p> <p>8 we tested, every single result they have is less than</p> <p>9 30. I'm talking about enterococcus, that's what we</p> <p>10 tested. Every single result is less than 30. That</p> <p>11 means swimmable across the board. Green, green, green</p> <p>12 all the way across the board.</p> <p>13 If you look at our results from Stuyvesant,</p> <p>14 which is at 23rd Street, roughly, but we test near the</p> <p>15 shore, it's a totally different picture. It's about 55</p> <p>16 or 60 percent green; but the other 35 or 40 percent is</p> <p>17 not green, does not meet swimmable standards.</p> <p>18 So if you are going to use the results you</p> <p>19 have to be able to see them and ours side by side, and</p> <p>20 the public needs to understand those things.</p> <p>21 So I think our model is good, I think the</p> <p>22 DEC's model is good, there are lots of good models for</p> <p>23 presenting, but the notification has to be better.</p> <p>24 The third and final point. Enterococcus is</p> <p>25 the standard, what the City uses when they say you can</p>	<p style="text-align: right;">Page 11</p> <p>1 DEC Public Hearing</p> <p>2 MS. McBRIDE: For those who joined us, I</p> <p>3 understand there was a delay at security, so we did go</p> <p>4 off the record for a few minutes to allow people to get</p> <p>5 upstairs. We had one speaker so far.</p> <p>6 What we're going to do now is call the other</p> <p>7 speakers who have signed up, and when I call your name</p> <p>8 I'd ask you to please come forward here and give your</p> <p>9 comments here at the podium.</p> <p>10 Our next speaker is Marlene Donnelly.</p> <p>11 MS. DONNELLY: I'm here to make statements</p> <p>12 for two organizations. I'm a member of the Gowanus</p> <p>13 Community Advisory Group under the Superfund Cleanup,</p> <p>14 and last month we passed a resolution specifically to</p> <p>15 make this entry into this statement.</p> <p>16 The Cag is a 50 member organization</p> <p>17 comprised of organization members at large. It was</p> <p>18 formed in 2011 as part of the EPA Superfund action for</p> <p>19 the Gowanus Canal.</p> <p>20 The first resolution was passed unanimously</p> <p>21 by this organization in 2012, was directed to the New</p> <p>22 York City DEP and copied to the New York State DEC and</p> <p>23 reads as follows:</p> <p>24 "The Gowanus Canal Superfund Advisory Group</p> <p>25 hereby resolves that the water of the Gowanus Canal be</p>
<p style="text-align: right;">Page 10</p> <p>1 DEC Public Hearing</p> <p>2 go swimming at Coney Island or Staten Island, so it's</p> <p>3 understandable for the public. At this point it's what</p> <p>4 we use, what every citizen test group uses. And it</p> <p>5 should be the standard. I know you have said in your</p> <p>6 explanation that you envision this as a multi-part</p> <p>7 thing, you want to start with the coliform standards and</p> <p>8 switch over to enterococcus in the future.</p> <p>9 But I think everything changes when you say</p> <p>10 the harbor is swimmable, we're designating the water</p> <p>11 waters as swimmable. I think you should be ready to</p> <p>12 explain to people what that means. And if you don't</p> <p>13 have the enterococcus standards in place, if you're</p> <p>14 still using this other system, it's going to require the</p> <p>15 public to translate from a language they don't</p> <p>16 understand to another language they don't understand.</p> <p>17 It's going to complicate things.</p> <p>18 So, you're charging the game, it's a big,</p> <p>19 big step, but be ready. Be ready on the PR front and on</p> <p>20 the communications front, in those three areas.</p> <p>21 Thank you.</p> <p>22 MS. McBRIDE: We will go off the record for</p> <p>23 a few minutes and give people time to come in, in case</p> <p>24 they're delayed down at security.</p> <p>25 (Recess taken.)</p>	<p style="text-align: right;">Page 12</p> <p>1 DEC Public Hearing</p> <p>2 reclassified from the current industrial standard</p> <p>3 designated Class SD. Class SD only mandates a minimal</p> <p>4 level of dissolved oxygen be maintained in the water,</p> <p>5 but placed no limits to the level of pathogens in the</p> <p>6 waterway.</p> <p>7 "The request is that the Gowanus Canal be</p> <p>8 reclassified to protect -- given a water classification</p> <p>9 that protects this current recreation use, which</p> <p>10 includes contact recreation for families with children,</p> <p>11 and a reclassification that imposes limits on pathogenic</p> <p>12 levels of coliform and bacteria as necessary to insure</p> <p>13 that children and others are not exposed to unacceptable</p> <p>14 risks, including dangerous disease, due to the simple</p> <p>15 act of coming in contact with water while recreating on</p> <p>16 the Canal."</p> <p>17 That was the resolution.</p> <p>18 "We support any change New York City makes</p> <p>19 in terms of Class 1 and Class SD waterways that places</p> <p>20 new institutional control on the level of pathogens</p> <p>21 allowed in Class 1 and Class SD waters.</p> <p>22 "However, the rulemaking does not affect the</p> <p>23 use designation for water classification. The above</p> <p>24 resolution to protect Gowanus recreation use includes</p> <p>25 contact recreation for families and children.</p>

<p style="text-align: right;">Page 13</p> <p>1 DEC Public Hearing</p> <p>2 "The proposed rulemaking should not be a</p> <p>3 substitute for reclassification of water based on actual</p> <p>4 public use of the public waters. The Canal community</p> <p>5 still looks forward to a water reclassification based on</p> <p>6 actual use."</p> <p>7 Passed unanimously February 24. That's</p> <p>8 submitted.</p> <p>9 I'm also making a statement for the</p> <p>10 organization I represent called Friends and Relatives of</p> <p>11 the Greater Gowanus. We are concerned, we support the</p> <p>12 changes that there should be pathogen levels of control</p> <p>13 for all waterways in the City. But we are concerned</p> <p>14 that the way this is being proposed and the way water is</p> <p>15 being tested and assessed is not going to be truly</p> <p>16 protective of pathogens and people's use of the water.</p> <p>17 We are concerned that the way the rules have</p> <p>18 been written that they're not going to actually mandate</p> <p>19 a whole lot of change in Class SD waters because of the</p> <p>20 way the testing is taking place in the so-called center</p> <p>21 of the waterways.</p> <p>22 We ask that in moving forward here that we</p> <p>23 look for a better way to insure the way people actually</p> <p>24 come in contact with the water closer to the shore, that</p> <p>25 we become protective of people coming in contact with</p>	<p style="text-align: right;">Page 15</p> <p>1 DEC Public Hearing</p> <p>2 systems, and these elements would be released.</p> <p>3 So we do want levels of control of</p> <p>4 pathogens, so we're really going to address climate</p> <p>5 change more. Thank you.</p> <p>6 MS. McBRIDE: Diane Buxbaum?</p> <p>7 MS. BUXBAUM: I'm a member of the same two</p> <p>8 groups that the previous speaker is a member of. I'm on</p> <p>9 the Cag of the Gowanus Canal, and I am also a member of</p> <p>10 -- I don't want to repeat word for word what Marlene</p> <p>11 Donnelly just said, but I strongly support everything</p> <p>12 that she said.</p> <p>13 So if it means a statement that is exactly</p> <p>14 as another statement, then you have two of them, and I</p> <p>15 will submit that in writing.</p> <p>16 What I am concerned about very often is the</p> <p>17 ineffective and non-existent addressing of climate</p> <p>18 change, and how we are going to clean up our waters.</p> <p>19 It's the same thing that Marlene said. It's absolutely</p> <p>20 accurate.</p> <p>21 When I look at the shoreline rezoning law, I</p> <p>22 think it was 2007 or 2011, I called people at the DEC</p> <p>23 and the people doing the rezoning and said, "Are you</p> <p>24 addressing climate change?" They said yes. There was</p> <p>25 one tiny paragraph at the end of the rezoning, which</p>
<p style="text-align: right;">Page 14</p> <p>1 DEC Public Hearing</p> <p>2 the water in situations where it's not expected to be,</p> <p>3 due to climate change and storm surges and other issues.</p> <p>4 I wanted to relay a story that, during</p> <p>5 Hurricane Sandy, after that issue, a community group</p> <p>6 serving Thanksgiving dinners to people in Sheepshead</p> <p>7 Bay, where we encountered one woman who had just been</p> <p>8 out of the hospital prior to Hurricane Sandy. She found</p> <p>9 herself the day of Sandy wandering in four feet of water</p> <p>10 in our streets, the City of New York, with stitches,</p> <p>11 having had open surgery days earlier.</p> <p>12 And there are people being exposed to</p> <p>13 pathogens in a lot more intense ways besides choosing to</p> <p>14 recreate because of the climate change and the control</p> <p>15 of pathogens in unsafe conditions.</p> <p>16 And particularly, the concerns of bacteria</p> <p>17 in the waterway that need to be controlled to CSA --</p> <p>18 because New York City is, according to the Centers for</p> <p>19 Disease Control, has the highest rate of bacteria</p> <p>20 resistant infections in the entire country. It's</p> <p>21 becoming a greater concern that bacteria are being</p> <p>22 released into our communities more and putting people</p> <p>23 more at risk.</p> <p>24 Our hospitals have the highest rates of</p> <p>25 antibiotic resistant bacteria, they use the sewer</p>	<p style="text-align: right;">Page 16</p> <p>1 DEC Public Hearing</p> <p>2 actually didn't address anything about sea level rise</p> <p>3 and storm changes.</p> <p>4 I spoke to a person at DEP at a meeting near</p> <p>5 Brooklyn Technical College in Brooklyn Heights, a DEP</p> <p>6 presentation on best management practices. And I said</p> <p>7 "Well, are you going to look at climate change?" At</p> <p>8 that point -- well, that's too complicated. That struck</p> <p>9 me as being ineffective, looking at what we need to do</p> <p>10 to protect waters.</p> <p>11 We have people in my neighborhood who go out</p> <p>12 rowing, they go out kayaking in the Gowanus Canal, and</p> <p>13 they take young people. We need to protect them from</p> <p>14 the pathogens in the water. And I think the way it's</p> <p>15 being proposed now, the protection will not exist. I</p> <p>16 hope we get a better set of proposals.</p> <p>17 Thank you.</p> <p>18 MS. McBRIDE: Thank you.</p> <p>19 Akila Simon?</p> <p>20 MS. SIMON: Good afternoon, everybody. I</p> <p>21 too agree with the previous speaker. I am the head</p> <p>22 coach of the Empire Dragon Boat Team, and we do practice</p> <p>23 our paddling throughout the duration of April through</p> <p>24 October on Flushing Bay. And it is very disconcerting</p> <p>25 for us because there's a lot of fecal matter in the</p>

<p style="text-align: right;">Page 17</p> <p>1 DEC Public Hearing</p> <p>2 water during high and low tide. Our cancer survivors,</p> <p>3 health is a major concern for a lot of us. I myself, as</p> <p>4 well other members on our team, have skin infections</p> <p>5 because of the contact with the water, because the</p> <p>6 quality is so poor.</p> <p>7 So it is really a major concern for us to do</p> <p>8 our part to really force the government, DEC, DEP, EPA,</p> <p>9 to do something about cleaning up the waterways. Over</p> <p>10 the course of the summer we have over 2,000 paddlers go</p> <p>11 out into the water.</p> <p>12 We really would like the designation changed</p> <p>13 to primary contact, merely because we are getting</p> <p>14 splashed, we're getting flipped, the boats. People do</p> <p>15 actually have contact with the water. It is very</p> <p>16 important that we do something.</p> <p>17 We as a boating community have come together</p> <p>18 recently and formed something called Guardians of the</p> <p>19 Bay, where all of the dragon boat community have come</p> <p>20 together. We're talking about oyster testing, we're</p> <p>21 testing the waters during the summertime. We're really</p> <p>22 trying to think of ways that we can do our part, so we</p> <p>23 really would like to have the designation changed.</p> <p>24 I think it is very important and it is our</p> <p>25 home, Flushing Bay is our home. For 2,000 recreational</p>	<p style="text-align: right;">Page 19</p> <p>1 DEC Public Hearing</p> <p>2 heard, the last few I was here for.</p> <p>3 The biggest concern that we have about the</p> <p>4 way that the proposal was framed is about whether it's</p> <p>5 actually changing the use designation. And that's a</p> <p>6 critical point of law, because it has changed the use</p> <p>7 designation, and that will in turn trigger application</p> <p>8 of federal beach act standards. Even though it's called</p> <p>9 the beach act, they apply not only to beaches, they</p> <p>10 apply to all coastal recreational waters, all of these</p> <p>11 fall in that definition. But it applies only to coastal</p> <p>12 recreational waters and that is defined for primary</p> <p>13 contact use.</p> <p>14 So it's really important that the DEC make</p> <p>15 very clear in the language of the regulation that they</p> <p>16 are in fact changing designated use, and not merely</p> <p>17 saying there something else to use for the water quality</p> <p>18 issues.</p> <p>19 Saying it ought to be swimmable is one</p> <p>20 thing, saying that the bacteria level amounts to</p> <p>21 swimmability is another thing. So the proposal right</p> <p>22 now is based on old standards from bacteria use,</p> <p>23 indicator organism, fecal bacteria, that is outdated</p> <p>24 science.</p> <p>25 We understand the DEC is in the process for</p>
<p style="text-align: right;">Page 18</p> <p>1 DEC Public Hearing</p> <p>2 paddlers to move somewhere else, that's something that</p> <p>3 is very troubling, especially when there's really</p> <p>4 nowhere else for us to go to paddle. We compete.</p> <p>5 Paddling is one of the fastest growing water</p> <p>6 sports here, and dragon boat paddling in the United</p> <p>7 States, and we don't have another place to call home.</p> <p>8 So it's very important that we do our part and you all</p> <p>9 do your part to really change the designation for</p> <p>10 Flushing Bay.</p> <p>11 Thank you.</p> <p>12 MS. McBRIDE: Thank you.</p> <p>13 Larry Levine?</p> <p>14 MR. LEVINE: Larry Levine, I'm a senior</p> <p>15 attorney with Natural Resources Defense Counsel in New</p> <p>16 York. We are a non-profit environmental organization</p> <p>17 working on clean water issues and a whole wide range of</p> <p>18 other environmental issues. We're working on trying to</p> <p>19 get the City to clean up its sewer overflows since at</p> <p>20 least the 80s, probably the 70s. We have files in our</p> <p>21 office going back, legal records to all those decades.</p> <p>22 And so this is a really important moment</p> <p>23 that we want the CDC to follow through on both the</p> <p>24 proposal, also ongoing and beyond that, and I echo all</p> <p>25 the concerns raised previously by the commenters I</p>	<p style="text-align: right;">Page 20</p> <p>1 DEC Public Hearing</p> <p>2 all the other waterways that are already designated for</p> <p>3 primary contact of updating that standard based on</p> <p>4 enterococcus bacteria, the best scientific standard.</p> <p>5 But the EPA has a new updated version of that standard</p> <p>6 in the last couple of years, and so it's critical that</p> <p>7 the DEC apply that enterococcus standard to protect</p> <p>8 public health in all these water bodies.</p> <p>9 In terms of primary contact, there's one</p> <p>10 more thing I'd like to say. In many other</p> <p>11 jurisdictions, many other states, EPA regions in fact,</p> <p>12 team paddling, even power boating, should be primary</p> <p>13 contact recreation precisely for the reason the prior</p> <p>14 speaker mentioned, because you do in fact get wet.</p> <p>15 Even if you don't intend to submerge</p> <p>16 yourself, you do not in fact wholly submerge yourself,</p> <p>17 you get wet enough that it amounts to primary contact.</p> <p>18 I'm a kayaker myself, I'm sure many in the room are, you</p> <p>19 know some of the speakers already.</p> <p>20 So it's a legal matter as well, the DEC in</p> <p>21 regulation should be treating kayaking, boat paddling as</p> <p>22 primary contact activity. And as a result, it exists</p> <p>23 for use legally, people are in fact doing it, and the</p> <p>24 DEC needs to protect that existing use under the Clean</p> <p>25 Water Act and comply with the law.</p>

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2 One last point, which I think someone else

3 alluded to, is how compliance is measured with these

4 standards. Typically sampling now is mid channel.

5 People come in contact with the water much more

6 frequently and extensively near shore. So the

7 regulations ought to be clear as to how compliance is

8 measured, and that should be measured based on near

9 shore water quality, not after sewage discharges have

10 been diluted further into the center of a stream,

11 especially a flowing water body is going to be diluted

12 rapidly towards the center, the Hudson River for

13 example.

14 There's lots of kayaking going on, near

15 shore is a lot more polluted than the center of the

16 channel. It's an integral part of water quality, the

17 cleanup to support primary contact.

18 And so I will close with that, and say that

19 I support moving ahead with what the DEC has proposed,

20 but further, submit that the DEC needs to go further at

21 this time, not merely additional issues for a future

22 date, to have a rule that fully complies with what the

23 Clean Water Act requires to fully protect public health.

24 The rule language should be revised to

25 further what appears to be DEC's intent, to in fact

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2 achieve that and protect public health and comply with

3 the law.

4 MS. McBRIDE: Thank you.

5 Robert Bake?

6 MR. BAKE: Hi, I'm Robert Bake, I'm

7 president of the Brooklyn Bird Club. Of course I

8 support the clean water around New York City. Primary

9 use should be safe for people, no brainer. That it

10 isn't already is unconscionable. I understand it's a

11 difficult process.

12 I'd like to, as a member of the birding

13 community and the environmental community, I'd like to

14 say that it's not just for people, it's also for the

15 wildlife that uses the waters of New York City.

16 I'm sure they are susceptible to the

17 infections that people are, and there's also the whole

18 ecosystem, especially I'm very familiar with Jamaica

19 Bay, the fecal discharge from the sewage treatment

20 plants raised the levels of bacteria and nutrients in

21 the Bay and contributed to the devastation of our

22 environment, the lack of resilience in the Bay.

23 The grasslands have been reduced 30 percent

24 in the last 15 or 20 years. And they have been

25 projected to lose all the grassland in Jamaica Bay, if

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2 the trend isn't reversed. It's being reversed, but

3 especially in these times of climate change, we need the

4 resilience of the bays, the waterways of New York City,

5 returning the water to a natural state should be a

6 primary purpose of EPA work, all our work.

7 That's it. Thank you.

8 MS. McBRIDE: Thank you.

9 Shino Tanikama?

10 MS TANIKAMA: Good afternoon. My name is

11 Shino Tanikama. I'm with the New York City Tunnel and

12 Water Conservation District. Today I'm speaking as the

13 alternate New York co-chair of the New York-New Jersey

14 Harbor Citizen Advisory Committee. We submitted our

15 letter a while ago. I will speak to what we already

16 submitted, but I'd like the opportunity to share with

17 the rest of the members of the public what we submitted.

18 We would like more clearly amended

19 designated use. As Larry mentioned, I think the way to

20 interpret the current proposal is changing the water

21 quality standards without really explicitly changing the

22 designated use. We would like to have the language

23 changed to say that Class I saline surface water, the

24 best usage of Class I waters are primary contact

25 recreation and fishing.

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2 We'd like to have the words "primary contact

3 recreation" explicitly inserted into the section of the

4 water quality standards that talks about the designated

5 use and the best usage.

6 Likewise, for Class SD, we'd like the best

7 usage of Class SD waters to be primary contact

8 recreation and fishing. So we would like for inclusion

9 of the word "primary in" that language.

10 We would also like to protect existing uses,

11 and that might entail the New York DEC conducting a full

12 assessment of existing uses. Beyond setting the goal

13 for fishable and swimmable, which we are fully

14 supportive of, I think we need to really look at how the

15 water bodies are currently being used, and insure that

16 we do everything to meet the goal, because the uses are

17 already there as existing uses.

18 All I'm saying is, really, we don't want

19 anybody to say we can't meet these water quality goals.

20 We want people to really look at how the water bodies

21 are used today without meeting these goals, so that we

22 can meet the water quality goals.

23 We'd also like to switch to enterococcus as

24 part of this amendment process. I understand the DEC

25 will be switching to using enterococcus as an indicator

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2 next year or the year after, but we think it would be

3 prudent for us to actually do this now to avoid

4 confusion in the future.

5 We also want water quality criteria to be

6 relevant to the people who use the waters. What I mean

7 is, the current standard is based on the geometric means

8 over 30 days. However, people are using the water today

9 or yesterday, on that particular day, to the users of

10 the water bodies, the geometric mean over 30 days is

11 irrelevant. You're exposed to a high concentration of

12 bacteria on a given day, it doesn't really matter if the

13 average is lower than the standard.

14 We would like something that is more

15 relevant and more protective of the users of the body.

16 Along the same line, I know as an environmental

17 educator, I take small children to sample the water once

18 a month throughout the year. Ironically, the only month

19 that I don't sample is when school is not in session,

20 July and August.

21 But the rest of the year I do go out to the

22 river, fill up a bucket of water, and we do come into

23 contact with that water. So in some places it may be

24 prudent to look at year round water quality standards

25 and not just seasonal uses.

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2 Again, I think if the DEC looks at the full

3 existing uses and analyzes how the water bodies are

4 being used, you would know which water bodies warrant

5 year round protection.

6 Finally, we would like to know how this

7 change will be integrated into the ongoing water quality

8 improvement program, particularly the long term control

9 planning process to the CSO and NS in the City.

10 We are presuming these standards will be

11 incorporated into the planning process, but we would

12 like clarity on how the City will amend the LTC plan

13 submitted already, or if they are going to be

14 resubmitting those plans. We need guidelines and

15 clarification on that point.

16 Again, the City Advisory Committee of New

17 York-New Jersey supports this initiative, but we'd like

18 to see strengthening of the proposal.

19 Thank you.

20 MS. McBRIDE: Thank you.

21 Ate Atema.

22 MR. ATEMA: My name is Ate Atema, I'll be

23 brief. I'm speaking as a citizen, as a lover of this

24 city, as a lover of cities in general, as an architect

25 and somebody who's been working for the last three years

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2 in developing a strategy for preventing storm water from

3 combining with raw sewage to creat the CSOs that are

4 driving the problems we're speaking about today.

5 The really big picture for me is, this is an

6 opportunity for New York City to establish itself as a

7 leader in green infrastructure and demonstrating that

8 large cities can be responsible ecological citizens of

9 the planet. We all, I think, understand the benefits of

10 density, and I think any opportunity New York City has

11 to take leadership in that area should be embraced.

12 So that's, I think, something like the

13 primary contact recreation standards is the right goal,

14 it's a very simple one, it's clear, it's a goal I think

15 everybody agrees we want to get to. We want to be able

16 to swim in our waters, we want to able to fish in our

17 waters and to be able to know that sewage is not

18 discharged into our waters.

19 And so, I think there's an elegance and

20 simplicity to the goal, and we should get there as soon

21 as possible.

22 Thank you.

23 MS. McBRIDE: Thank you very much.

24 Dierdre Cossman?

25 MS. COSSMAN: Hi, my name is Dierdre Cossman

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2 and I'm member of the Empire Dragon Boat Racing Team.

3 And we practice on Flushing Bay, and obviously a lot of

4 the same points have been made already by Coach Akila

5 Simon.

6 And basically it's about not only the water

7 quality getting changed for the designation of these

8 waters to primary contact, because on a regular basis,

9 which is a few times a week, we're out there paddling

10 with hundreds of others every week, and there have been

11 incidents of infection and rash and things, just from

12 paddling and getting splashed by the water.

13 So it's important that the designation is

14 changed to be amended for not just water quality

15 criteria, but the actual language for primary contact

16 recreation.

17 Thank you.

18 MS. McBRIDE: Thank you.

19 Ira Gershenbaum.

20 MR. GERSHENBAUM: My name is Ira

21 Gershenbaum, I'm here representing myself and River

22 Keeper. Two points. One point is, I missed the first

23 part of this hearing because of the security procedures

24 outside. Many people are also coming in right now

25 because of that and missed much. I arrived early, not

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<p>Page 29</p> <p>1 DEC Public Hearing</p> <p>2 early enough, an hour early.</p> <p>3 The second thing is, I'm a swimmer, I like</p> <p>4 to swim in the Hudson River. The only thing that</p> <p>5 prevents me from currently swimming in the Hudson River</p> <p>6 is the fact I don't have access to it. Many who want to</p> <p>7 swim in the Hudson River are afraid of it. And this</p> <p>8 initiative should help that. Hopefully, at some point</p> <p>9 it will also help the fact that the bad news comes out</p> <p>10 whenever a swim, an organized swim, people come out with</p> <p>11 mustaches from the Hudson River because of sewage and</p> <p>12 things in the water.</p> <p>13 Thank you.</p> <p>14 MS. McBRIDE: Thank you.</p> <p>15 Peter Molinski?</p> <p>16 MR. MOLINSKI: I'm speaking from the New</p> <p>17 York Harbor Foundation, the oyster project. We do a lot</p> <p>18 of work, primary contact work, in the water restoring</p> <p>19 oysters to the harbor. So we have high school students</p> <p>20 diving in the water from the end of April through the</p> <p>21 end of November. So I echo the point of widening the</p> <p>22 season for primary contact uses, that we are in the</p> <p>23 water for July and August.</p> <p>24 And just -- someone else mentioned -- more</p> <p>25 clarification -- I might have missed it, I was late,</p>	<p>Page 31</p> <p>1 DEC Public Hearing</p> <p>2 means for existing plans in place, including consent</p> <p>3 orders. The Newtown Creek Alliance along with River</p> <p>4 Keeper have been fighting a current consent order about</p> <p>5 aeration at Newtown Creek for reasons actually over</p> <p>6 public health.</p> <p>7 And one of the issues we had is saying it's</p> <p>8 not a public health concern, people are not supposed to</p> <p>9 be recreating there anyway. We want to know what that</p> <p>10 would mean for that, because right now the aeration only</p> <p>11 addresses the oxygen level. The new level, the bacteria</p> <p>12 level, does that mean the aeration program will have to</p> <p>13 be entirely redesigned?</p> <p>14 And going forward with future consent</p> <p>15 orders, to promote presumably new standards, we want to</p> <p>16 make sure there's an open process with the community.</p> <p>17 The community was left out of a lot of these processes,</p> <p>18 and I understand there's lots of concern over that, so I</p> <p>19 want to make sure there's enforcement or a mechanism to</p> <p>20 insure compliance of efforts.</p> <p>21 Thank you.</p> <p>22 MS. McBRIDE: Thank you very much.</p> <p>23 That was our last speaker card. I will</p> <p>24 repeat for those of you who were not here at the</p> <p>25 beginning. The Department is receiving comments</p>
<p>Page 30</p> <p>1 DEC Public Hearing</p> <p>2 based on the line -- what exactly the new designation</p> <p>3 means, whether there's any action on DEC's part to</p> <p>4 change the quality of the water or simply a designation</p> <p>5 to change the -- I'm unclear about it.</p> <p>6 MS. McBRIDE: Thank you very much.</p> <p>7 Willis Elkins?</p> <p>8 MR. ELKINS: I'm Willis Elkins, from the</p> <p>9 Newtown Creek Alliance -- a couple of comments. One of</p> <p>10 the SD water bodies, which means one of most polluted</p> <p>11 the in the City. So generally, we're supportive of this</p> <p>12 effort.</p> <p>13 It's difficult for us to make progress on</p> <p>14 the waterway, especially with existing use saying there</p> <p>15 already are people recreating on the water. The agency</p> <p>16 says it doesn't matter, conditions don't reflect that.</p> <p>17 So, a couple concerns we have, though,</p> <p>18 because some of the places in Newtown Creek have such</p> <p>19 poor water quality, we're interested in knowing what the</p> <p>20 mechanism is to enforce the compliance? We want to make</p> <p>21 sure the responsible agencies are responsible for</p> <p>22 cleaning that up and don't have a way of getting out of</p> <p>23 this because conditions are so bad.</p> <p>24 Does that make sense?</p> <p>25 The other concern we have is about what it</p>	<p>Page 32</p> <p>1 DEC Public Hearing</p> <p>2 regarding this proposed rulemaking until 5:00 p.m. on</p> <p>3 March 16.</p> <p>4 If you'd like to submit comments, you may</p> <p>5 mail them into Robert Simson at the New York State DEC.</p> <p>6 The mailing address is 625 Broadway, Albany, New York</p> <p>7 12233-3500. I will have Mr. Stoner here give the e-mail</p> <p>8 address.</p> <p>9 Sorry, we do have a couple more speakers.</p> <p>10 Also, information for sending in comments is at the</p> <p>11 table out in the hallway.</p> <p>12 Noelle Thurlow is our next speaker.</p> <p>13 MS. THURLOW: Hello, I'm Noelle Thurlow, I</p> <p>14 run a small kayaking paddleboard company in Hoboken, the</p> <p>15 other state across the river, the Hudson River. I bring</p> <p>16 children, I do lessons for them and a small youth</p> <p>17 program as well.</p> <p>18 If you've ever done any paddleboarding, then</p> <p>19 you know we're all in the water. We fall off all the</p> <p>20 time, the children jump off, they love it. It's a</p> <p>21 wonderful opportunity. I make sure to include</p> <p>22 environmental education with every program that I do,</p> <p>23 so they're learning to understand the Hudson River</p> <p>24 estuary.</p> <p>25 So I would love it for the water to be as</p>



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2 clean as possible for the children and all people that

3 use the water.

4 Thank you.

5 MS. McBRIDE: Thank you.

6 Karen Craddock?

7 MS. CRADDOCK: Hi. My name is Karen

8 Craddock. I'm a breast cancer survivor and I grew up on

9 Long Island on the North Shore near the Throgs Neck

10 Bridge.

11 I've always been afraid of the water quality

12 in the area on the North Shore of Long Island, going to

13 Queens where we did hang out.

14 I am a member of the Empire Cancer Survivor

15 Dragon Boat Team. I'm also a member of the Guardians of

16 Flushing Bay. This is a group of Dragon boaters who are

17 in the Flushing Bay who are concerned about the water

18 quality.

19 Our mission is to preserve and protect the

20 water quality of the Bay in order to save human contact

21 with the human body. I'm involved in the team because

22 we're very concerned about the environment and our

23 health risks due to the gradual destruction and abuse of

24 the ecosystem that New York has grown industrially over

25 the decades.

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2 Why I'm concerned about the Bay is that it's

3 the only protected bay in our area fit for human powered

4 water sports and other activities that have incidental

5 direct contact with the water.

6 Also, I see people fishing off the dock. I

7 don't know if it's for personal consumption or illegal

8 commercial consumption, but I fear that toxic catch is

9 ending up on a plate somewhere.

10 Personally, I have seen water pouring out of

11 the CSO. It smells horrible, you can see sometimes a

12 cloudy discharge in the water. I'm afraid that I will

13 get sick or get an infection as many teammates have in

14 the past. I'm trying to cover myself head to toe with

15 as many layers as possible.

16 Even though our hands are in the water, we

17 do get splashed all the time. We accidentally swallow

18 it and it's not a pleasant experience.

19 What we want is the water quality be raised

20 to a level where it's swimmable, at least when we have

21 primary contact with the water to not feel as though

22 we're in danger of harming yourself.

23 Paddlers have direct contact with the water.

24 I think it's assumed that we're above it so therefore

25 we're not near it, but we are in it. Please make

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2 changes for us to be safe.

3 Thank you.

4 MS. McBRIDE: Thank you.

5 Maria Melian?

6 MS. MELIAN: I'm Maria Melian, I'm also part

7 of the Empire Dragon Boat Team. We're one of the many,

8 many dragon boat teams that use Flushing Bay as our only

9 lake, actually. It's a huge sport, started in Asia, and

10 it's very strong in Canada and the West Coast.

11 The water basically is filthy. Part of it

12 is industrial waste, but most of it is from human sewage

13 from the CSOs. And it's due to faulty engineering.

14 This can be fixed. It takes time, it takes money and it

15 takes effort, but it can be done.

16 I lived here in the 70s, I saw the Hudson, I

17 smelled the Hudson. It is a different thing now. I saw

18 the tens, I see it now, it can be done. We just need

19 everybody and we need the government to do something

20 about it.

21 And the idea -- somebody, I can't remember,

22 EPA had the idea of putting disinfectant in the sewers?

23 In the water? We're cancer survivors on our team.

24 That's not what we need. We don't need more chemicals

25 in our water. We need engineering solutions, which can

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2 be done.

3 Thank you.

4 MS. McBRIDE: Edith Kantrowitz?

5 MS. KANTROWITZ: Hi, Edith Kantrowitz,

6 president of New York City Friends of Clearwater. We

7 are a chartered club, the Clearwater organization

8 originally started by Pete Seeger to clean up the Hudson

9 River. And so we are continuing to work on cleaning up

10 the Hudson River. Of course, we're very interested in

11 the other waterways in the New York City area and making

12 sure they're clean and swimmable and healthy for us to

13 put our bodies into if we're going to swim and recreate

14 in other ways.

15 So we would like basically to express our

16 support for the proposed rulemaking, but there are some

17 changes that we'd like to recommend. These were

18 directly suggested by the Water Infrastructure Matters

19 Coalition. You may have already heard them today

20 because I came up late because of the line.

21 I'd like to reiterate our support for those

22 principles that the designated used for Class SD waters

23 should explicitly include primary contact recreation.

24 We recognize that designated uses and water quality

25 criteria should both be included.

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2 Number 2, the DEC should survey and assess
3 how people are using the water so we have a better
4 picture of recreation.
5 Number 3, measures should be taken to make
6 sure that these criteria are integrated into the City's
7 sewage overflow reduction plans.
8 Number 4, the sample should be based on a
9 single sample approach rather than an average sample.
10 The DEC should revise the draft regulations
11 to insure that the EPA beach act standards apply to
12 these waters, and also for measuring the water quality.
13 The sample should be taken from the near shore areas
14 where people swim and are paddling, rather than out in
15 the middle of the water where people are not as likely
16 to be.
17 Again, we want to endorse the suggestions of
18 the Water Infrastructure Matters Coalition to see
19 everything is done to make the water as clean and
20 healthy as possible.
21 Thank you.
22 MS. McBRIDE: Thank you.
23 Robert Coover?
24 MR. COOVER: I'd like to add my support of
25 the points mentioned by the previous speaker, endorse

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2 storm water matters, the ongoing existing use as primary
3 contact or recreation of these waters and support
4 general continuing use of such.
5 MS. McBRIDE: Thank you.
6 Mark Ringenary?
7 MR. RINGENARY: Good afternoon. I'm from
8 the National Park Service -- Gateway Recreation is our
9 name. We'd like to see more recreation -- the City
10 supporting it -- we have a number of people using
11 recreational activities.
12 We have a biologist in the park testing the
13 water. I can tell you Jamaica Bay is very bad. I don't
14 know the indicators the DEC looks at in the background
15 -- people can get a false sense of security by passing
16 measures.
17 I'd love to have better control. I want to
18 know there's monitoring to keep people safe who are
19 using the water for specific recreational activities. I
20 want to inform the public if there's a problem -- I want
21 to know what kind of enforcement you will use to
22 regulate or try to control this, engineering-wise? How
23 to educate the public on these issues?
24 Again, it's a question for me that I see
25 people using the water who don't know there is a problem

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2 --
3 One side comment before I'm done. I live on
4 Staten Island. After Sandy -- a lot of houses,
5 infrastructure, plus vegetation -- I see trees being cut
6 down all over the place. The tree program helps, but
7 the city parks, it wiped out the underbrush in certain
8 areas. Standing trees were impacted, high winds -- the
9 water system, its impact is a big issue in the City.
10 Thank you.
11 MS. McBRIDE: Thank you.
12 Robin Kriesberg?
13 MS. KREISBERG: Good afternoon. I'm Robin
14 Kriesberg, I'm the policy director of Bronx River
15 Alliance. We partnership to protect, improve and
16 restore the Bronx River, and I'm also on the steering
17 committee for the Storm Water Infrastructure Matters
18 Group, a citywide coalition of more than 60
19 organizations advocating for swimmable and fishable
20 waters in New York City.
21 We enthusiastically support the proposed
22 amendments to set the water quality goal of all New York
23 City waters being swimmable, which would make the Bronx
24 River safe for primary contact.
25 Thanks to the tremendous efforts of

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2 community leaders, concerned citizens and government
3 officials, the Bronx River has seen a remarkable
4 resurgence since the 1970s when it was an abandoned
5 dumping ground.
6 Today over 5,000 recreational boaters enjoy
7 the Bronx River every year. We've opened up seven boat
8 launches along the year when none previously existed.
9 Over 9,500 students have touched or been touched by the
10 river. We work with over 2300 educators who have made
11 the river an outdoor classroom for hundreds of students
12 ever year.
13 It's a testament to the progress that we've
14 made, it came in 2012 when the National Park Service
15 designated the Bronx River as a national water trail.
16 The designated uses of waters of the river should be
17 changed to primary contact to support a variety of
18 recreational and educational activities already taking
19 place on the river.
20 Human powered boats exposes people to the
21 same risks as swimming, so that's why primary contact is
22 really essential.
23 The Bronx River long term control plan
24 process began in February, with a scheduled completion
25 date of June of this year, and the water quality changes

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2 proposed by DEC should be incorporated into the planning

3 process to insure that the final plan achieves water

4 quality standards that protect the public and support

5 existing uses of the river.

6 To insure the safety of those coming into

7 contact with the river, as previously said, water

8 quality criteria should be based on a single sample

9 maximum testing approach rather than a 30 day means --

10 five samples per month. People don't come into contact

11 with average water. The river should be safe for

12 contact whenever they do come in contact with it.

13 In addition, testing standards should be

14 revised to adopt modern scientifically supported,

15 enterococcus based standards. Samples should be taken

16 from near shore areas where people actually recreate

17 rather than the middle of the water body.

18 Building on the great progress that's been

19 achieved so far on the Bronx River, we urge DEC to make

20 important regulatory changes to protect the many

21 citizens who depend on a clean and healthy river so they

22 can safely enjoy all the recreational and educational

23 opportunities it offers.

24 MS. McBRIDE: Thank you.

25 Randy Ng?

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2 MR. NG: Good afternoon. Thank you,

3 everybody for your time at this meeting. My name is

4 Randy Ng, I am one of the members affiliated with

5 Flushing Bay, the dragon boat community. We've bonded

6 together to call ourselves the Guardians of Flushing

7 Bay.

8 I'm one of the coaches of another team. As

9 you can see, we have quite a few members here today of

10 the dragon boat community, representatives of the

11 passion of the sport, most importantly of Flushing Bay.

12 We talked about the sport dragon boating,

13 and I will try not to repeat what was talked about.

14 Dragon boating is the ultimate team support. It's 22

15 people in a boat, ten on the left, ten on the right,

16 brought together to race or to paddle together as one

17 whole team.

18 As you can see, the Empire State Dragon Boat

19 Team is a bunch of cancer survivors. On my crew, I'm

20 actually the coach of 140 high school students yearly

21 for the last 16 years.

22 What we're trying to do at Flushing Bay is

23 to improve the quality of the bay so it's safe for them

24 to paddle, but really to put forward support for the

25 next generation, to teach these kids and have a safe

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2 place for them to go to paddle and to learn about

3 leadership and adversity, working together using this

4 sport called dragon racing.

5 Now, Flushing Bay is next to LaGuardia

6 Airport, we also have challenges there. There is a

7 sewage deposit, 1.1 million gallons of sewage is dumped

8 in, especially during a storm it's more problematic,

9 just because of the high levels of bacteria, e-coli.

10 Most of times what happens is, Flushing Bay is our only

11 home, where many people actually get sick and some have

12 severe cases that ended up in the emergency room.

13 The other two things that are in our

14 community, we have two municipal sanitation areas that

15 actually block the entrance, the sanitation building

16 that's in our entrance; and the municipal waste facility

17 in the back. At times you can tell that the municipal

18 waste, the liquids come through the sewage and create

19 the slick and smell and engage bacteria that are in our

20 waters.

21 We also have two cement treatment plants,

22 cement concrete plants, which one is owned by the

23 Department of Transportation.

24 So what we're here today, to support and

25 asking for help in education, we're asking for help in

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2 learning what to do, how we can be part of this

3 community to improve the water system.

4 As you can see today, many of our team

5 members, our group, Guardians of Flushing Bay, have a

6 passion to be here to try to improve the water quality.

7 Again, for me as a coach, I'm also the coach

8 of Team USA. A lot of members train here on the

9 national level team. I ask for your help, not only for

10 us, not only for the breast cancer survivors, but for

11 future generations.

12 Thank you.

13 MS. McBRIDE: On behalf of the DEC I want to

14 thank you all for coming out this afternoon and giving

15 us your comments. Again, Comments will be received

16 until March 16. Thank you.

17 (Time noted: 1:06 p.m.)

18 (Matter concluded.)

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C E R T I F I C A T I O N

I, Jeffrey Shapiro, a Shorthand Reporter and
Notary Public, within and for the State of New York, do
hereby certify that I reported the proceedings in the
within-entitled matter, on Monday, March 9, 2015, at the
offices of the ENVIRONMENTAL PROTECTION AGENCY, 290
Broadway, 27th Floor, New York, New York, and that this
is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand this 19th day of March, 2015.



JEFFREY SHAPIRO

	2012			action
1	11:21 40:14	5	9	11:18 30:3
				activities
1	2013	5,000	9,500	34:4
3:14 5:18,	7:10	40:6	40:9	38:11,19
21,25 6:5,	2014	50		40:18
8 12:19,21	9:7	11:16	A	activity
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43:7	4:11	9:15	abandoned	actual
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140	2300		5:8	add
42:20	40:10	6	absolutely	37:24
15	23rd		15:19	addition
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16	14	3:10 5:7,8	33:23	additional
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